

COUNCIL OF THE COUNTY OF MAUI

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A G E N D A

Regular Meeting of June 20, 2014
9:00 a.m.

OFFICE OF THE
COUNTY CLERK

Meeting Site: Council Chamber, 8th Floor, 200 South High Street, Wailuku, Hawaii

Remote Testimony Sites: Hana Council District Office – Hana Community Center, 5091 Uakea Road, Hana, Hawaii
Lanai Council District Office – Lanai Community Center, 8th Street, Lanai City, Hawaii
Molokai Council District Office – 100 Ainoa Street, Kaunakakai, Hawaii

website: <http://www.mauicounty.gov/county/clerkSub/Agenda.php>.
e-mail: county.clerk@mauicounty.us

ORAL OR WRITTEN TESTIMONY

ORAL OR WRITTEN TESTIMONY on any agenda item will be accepted. Each testifier shall be allowed to speak for three minutes on each item. If additional time is requested, the testifier shall be allowed one minute to conclude the testimony on the item. No further oral testimony by the testifier on the item shall be permitted. An individual's request to testify shall be deemed withdrawn if the individual does not answer when called to testify.

REMOTE TESTIMONY SITES: Oral testimony may be received by telephone from each of the Council district offices noted above. If the audio connection between the meeting site in the Council Chamber and any of the remote testimony sites is lost, the meeting in the Council Chamber will still continue. Members of the public interested in information about offering testimony on an agenda item from a remote testimony site may contact the Office of the County Clerk (808-270-7748) prior to the meeting. While oral testimony is being received the district offices cannot provide other services. The audio connection will be terminated after all oral testimony has been received.

If written testimony is submitted at the meeting site, 15 copies are requested. If written testimony is e-mailed or faxed (808-270-7171), it must be received at least 24 hours prior to the meeting; provided, that if a meeting will be held on a Monday, written testimony shall be received by 12:00 noon on the business day preceding the meeting.

A. ROLL CALL

B. OPENING REMARKS: COUNCILMEMBER DON S. GUZMAN

C. PLEDGE OF ALLEGIANCE

D. TESTIMONY ON CEREMONIAL RESOLUTIONS

E. CEREMONIAL RESOLUTIONS:

NO. _____ - "CONGRATULATING THE SEABURY HALL GIRLS TRACK AND FIELD TEAM FOR WINNING THE 2014 ISLAND MOVERS STATE TRACK AND FIELD CHAMPIONSHIPS"

F. PRESENTATION OF WRITTEN OR ORAL TESTIMONY

G. MINUTES:

Public Hearing of April 24, 2014

Public Hearing of April 30, 2014

H. COMMITTEE REPORTS:

NO. 14-64 - POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE:

Recommending **ADOPTION** of resolution approving the appointment of Gabriel Johnson and Faraz Azizsoltani to the Maui County Commission on Persons with Disabilities, for terms expiring on March 31, 2017 and March 31, 2016, respectively.

NO. 14-65 - POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE:

Recommending the following:

1. **FIRST READING** of resolution to place on the next General Election ballot the question of whether Section 13-10 of the Revised Charter of the County of Maui (1983), as amended, shall be amended to increase the current maximum penalty that may be imposed for violations of any provisions of the Charter and violations of ordinances and rules having the force and effect of law from \$1,000 or one year's imprisonment, or both, to \$25,000 or one year's imprisonment, or both; and
2. **FILING** of correspondence dated January 3, 2012, from Councilmember Donald G. Couch, Jr., transmitting a proposed resolution proposing an amendment to the Revised Charter of the County of Maui (1983), as amended, relating to penalties.

NO. 14-66 - POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE:

Recommending **FIRST READING** of resolution to place on the next General Election ballot the question of whether Section 3-9.3 of the Revised Charter of the County of Maui (1983), as amended, shall be amended to state that the Cost of Government Commission acts only upon the request of the County Auditor, to whom it is advisory.

H. COMMITTEE REPORTS (continued):

NO. 14-67 - POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE:

Recommending **ADOPTION** of resolution authorizing settlement of Patrice Falcone and Robert Falcone v. County of Maui, et al., Civil 13-1-0716(2).

With reference to this agenda item, one or more executive meetings are anticipated pursuant to Section 92-5(a)(4), Hawaii Revised Statutes, to consult with legal counsel on questions and issues pertaining to the powers, duties, privileges, immunities, and liabilities of the County, the Council, and the Committee; and Section 92-5(a)(8), Hawaii Revised Statutes, to deliberate or make a decision upon a matter that requires the consideration of information that must be kept confidential pursuant to a State or Federal law, or a court order.

I. COMMUNICATIONS:

1. COUNTY COMMUNICATIONS:

- NO. 14-143 - DIRECTOR OF FINANCE, transmitting 65 contracts/grants for April 2014.
- NO. 14-144 - DIRECTOR OF FINANCE, informing of the transfer of appropriations from Countywide Costs – General Costs to various departments.
- NO. 14-145 - DIRECTOR OF FINANCE, transmitting the "COUNTY OF MAUI RETIREE HEALTH CARE PLAN ACTUARIAL VALUATION REPORT AS OF JULY 1, 2013".
- NO. 14-146 - MAYOR, informing of a vacancy on the Real Property Tax Review Board due to the resignation of Brent Johnson.
- NO. 14-147 - MAYOR, informing of a vacancy on the Liquor Control Commission due to the resignation of Neldon Mamuad.
- NO. 14-148 - MAYOR, informing of a vacancy on the Kula Agricultural Park Committee due to the resignation of John Okamura.
- NO. 14-149 - DIRECTOR OF WATER SUPPLY, transmitting copies of the Department of Water Supply's Monthly Source Report and Groundwater Use Report for the month ending May 2014.
- NO. 14-150 - DIRECTOR OF WATER SUPPLY, transmitting the Department of Water Supply water use report for April 2014, and copies of water use reports received from Hawaiian Commercial and Sugar Company, Wailuku Water Company, and Hawaii Water Service Company for the same period.

1. COUNTY COMMUNICATIONS (continued):

NO. 14-151 - COUNCILMEMBER COCHRAN, relating to Council Members' report on the Coral Reef Alliance's maritime educational presentation held in West Maui on May 31, 2014.

NO. 14-152 - COUNCIL CHAIR BAISA, transmitting a proposed resolution entitled "RESCHEDULING THE COUNCIL'S JULY 18, 2014 MEETING".

NO. 14-153 - CHAIR, BUDGET AND FINANCE COMMITTEE, transmitting a proposed resolution entitled "AUTHORIZING THE TRANSFER OF AN UNENCUMBERED APPROPRIATION BALANCE WITHIN THE DEPARTMENT OF FINANCE FISCAL YEAR 2014 BUDGET".

NO. 14-154 - DIRECTOR OF HOUSING AND HUMAN CONCERNS, transmitting a copy of the Department of Housing and Human Concerns' Affordable Housing Fund Annual Plan for Fiscal Year 2014 and the following proposed bills entitled:

1. "A BILL FOR AN ORDINANCE AMENDING APPENDIX A OF THE FISCAL YEAR 2015 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO PART II, SPECIAL PURPOSE REVENUES – SCHEDULE OF REVOLVING/SPECIAL FUNDS FOR FISCAL YEAR 2015, AFFORDABLE HOUSING FUND, NA HALE O MAUI KAHOMA PROJECT";
2. "A BILL FOR AN ORDINANCE AMENDING APPENDIX A OF THE FISCAL YEAR 2015 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO PART II, SPECIAL PURPOSE REVENUES – SCHEDULE OF REVOLVING/SPECIAL FUNDS FOR FISCAL YEAR 2015, AFFORDABLE HOUSING FUND, BUILDING HOUSES, BUILDING HOPE PROJECT"; and
3. "A BILL FOR AN ORDINANCE AMENDING APPENDIX A OF THE FISCAL YEAR 2015 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO PART II, SPECIAL PURPOSE REVENUES – SCHEDULE OF REVOLVING/SPECIAL FUNDS FOR FISCAL YEAR 2015, AFFORDABLE HOUSING FUND, KULAMALU AFFORDABLE HOUSING PROJECT".

NO. 14-155 - BUDGET DIRECTOR, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING APPENDIX A OF THE FISCAL YEAR 2015 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO PART II, SPECIAL PURPOSE REVENUES – SCHEDULE OF REVOLVING/SPECIAL FUNDS FOR FISCAL YEAR 2015, AFFORDABLE HOUSING FUND, HALE LOKELANI OHANA PROJECT".

1. COUNTY COMMUNICATIONS (continued):

NO. 14-156 - BUDGET DIRECTOR, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2015 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO APPENDIX A, PART I, GRANT REVENUE – SCHEDULE OF GRANTS BY DEPARTMENTS AND PROGRAMS, DEPARTMENT OF HOUSING AND HUMAN CONCERNS (PRIVATE DONATIONS)".

NO. 14-157 - MAYOR, transmitting the following:

1. A proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2015 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO ESTIMATED REVENUES; COUNTYWIDE, GOVERNMENT FACILITIES, KEHALANI VILLAGE CENTER LAND ACQUISITION; TOTAL CAPITAL IMPROVEMENT PROJECT APPROPRIATIONS; AND TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS)";
2. A proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. _____, BILL NO. _____ (2014), RELATING TO THE ISSUANCE OF GENERAL OBLIGATION BONDS OF THE COUNTY OF MAUI (KEHALANI VILLAGE CENTER LAND ACQUISITION)";
3. A proposed resolution entitled "APPROVING THE ACQUISITION OF 3 UNITS IN THE KEHALANI VILLAGE CENTER AT WAILUKU, MAUI, HAWAII AND THE DEDICATION OF 14.416 ACRES IN WAILUKU, MAUI, HAWAII";
4. A proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2015 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO ESTIMATED REVENUES; COUNTYWIDE, GOVERNMENT FACILITIES, MAUI BUSINESS PARK II LAND ACQUISITION; TOTAL CAPITAL IMPROVEMENT PROJECT APPROPRIATIONS; AND TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS)";
5. A proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. _____, BILL NO. _____ (2014), RELATING TO THE ISSUANCE OF GENERAL OBLIGATION BONDS OF THE COUNTY OF MAUI (MAUI BUSINESS PARK II LAND ACQUISITION)"; and
6. A proposed resolution entitled "APPROVING THE ACQUISITION OF 7 LOTS IN THE MAUI BUSINESS PARK II AT KAHULUI, MAUI, HAWAII AND THE DEDICATION OF 35.55 ACRES IN PAIA, MAUI, HAWAII".

1. COUNTY COMMUNICATIONS (continued):

- NO. 14-158 - COUNCILMEMBER VICTORINO, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE TO AMEND CHAPTER 12.24A, MAUI COUNTY CODE, TO TRANSFER THE POSITION OF ARBORIST FROM THE DEPARTMENT OF PARKS AND RECREATION TO THE DEPARTMENT OF MANAGEMENT".
- NO. 14-159 - COUNCILMEMBER GUZMAN, relating to Kanaha Beach Park renovations in Kahului.
- NO. 14-160 - DIRECTOR OF HOUSING AND HUMAN CONCERNS, transmitting a proposed resolution entitled "AUTHORIZING THE GRANT OF A LEASE OF REAL PROPERTY TO MAUI YOUTH AND FAMILY SERVICES".
- NO. 14-161 - PLANNING DIRECTOR, relating to an application submitted by Lanai Resort, LLC, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE TO CHANGE ZONING FROM URBAN RESERVE DISTRICT TO B-CT COUNTRY TOWN BUSINESS DISTRICT FOR PROPERTY SITUATED AT LANAI CITY, LANAI, HAWAII FOR THE PROPOSED OLD LANAI POLICE STATION/COURTHOUSE BUILDING", and related documents.
- NO. 14-162 - PLANNING DIRECTOR, relating to an application submitted by Xorin Balbes of Soulspace Ranch, LLC, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE TO CHANGE ZONING FROM INTERIM DISTRICT TO P-1 PUBLIC/QUASI-PUBLIC DISTRICT FOR PROPERTY SITUATED AT 1813 BALDWIN AVENUE, TAX MAP KEY NO.(2) 2-5-004:007, MAKAWAO, MAUI, HAWAII", and related documents.
- NO. 14-163 - DIRECTOR OF FINANCE, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR OF THE COUNTY OF MAUI TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE HAWAII EMPLOYER-UNION HEALTH BENEFITS TRUST FUND, STATE OF HAWAII".
- NO. 14-164 - COUNCILMEMBER HOKAMA, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTER 3.48, MAUI COUNTY CODE, RELATING TO THE COMPOSITION OF THE REAL PROPERTY TAX REVIEW BOARD".
- NO. 14-165 - COUNCILMEMBER GUZMAN, transmitting a proposed resolution entitled "PROPOSING AN AMENDMENT TO THE REVISED CHARTER OF THE COUNTY OF MAUI (1983), AS AMENDED, RELATING TO ATTORNEYS WITHIN THE OFFICE OF COUNCIL SERVICES".

1. COUNTY COMMUNICATIONS (continued):

NO. 14-166 - COUNTY CLERK, transmitting a proposed ordinance entitled "A BILL PLACING A MORATORIUM ON THE CULTIVATION OF GENETICALLY ENGINEERED ORGANISMS" and the Certification of Results for the initiative and supplemental petitions.

NO. 14-167 - COUNCILMEMBER VICTORINO, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE RELATING TO ALLOCATION OF NEW SOURCES OF POTABLE COUNTY WATER".

2. GENERAL COMMUNICATIONS:

NONE.

J. RESOLUTIONS - SECOND AND FINAL READING:

NONE.

K. ORDINANCES - SECOND AND FINAL READING:

NONE.

L. UNFINISHED BUSINESS:ORDINANCES - SECOND AND FINAL READING:

BILL NO. 38 (2014) - "A BILL FOR AN ORDINANCE TO AMEND THE KIHEI-MAKENA COMMUNITY PLAN AND LAND USE MAP FROM AGRICULTURE TO PUBLIC/QUASI-PUBLIC FOR PROPERTY SITUATED AT KIHEI, MAUI, HAWAII, TAX MAP KEY NUMBER (2) 2-2-002:081 (POR.), FOR THE PROPOSED KIHEI HIGH SCHOOL"

BILL NO. 39 (2014) - "A BILL FOR AN ORDINANCE TO CHANGE ZONING FROM AGRICULTURAL DISTRICT TO P-1 PUBLIC/QUASI-PUBLIC DISTRICT (CONDITIONAL ZONING) FOR PROPERTY SITUATED AT KIHEI, MAUI, HAWAII, TAX MAP KEY NUMBER (2) 2-2-002:081, FOR THE PROPOSED KIHEI HIGH SCHOOL"

NOTE: ITEMS LISTED ON THE AGENDA MAY BE INSPECTED AT THE OFFICE OF THE COUNTY CLERK, 200 SOUTH HIGH STREET, WAILUKU, HAWAII, PRIOR TO THE MEETING DATE. PHOTOCOPIES MAY BE ORDERED, SUBJECT TO CHARGES IMPOSED BY LAW (MAUI COUNTY CODE, SECTION 2.64.010). PLEASE CONTACT THE OFFICE OF THE COUNTY CLERK TO MAKE ARRANGEMENTS FOR INSPECTION OR PHOTOCOPYING OF DOCUMENTS.

INDIVIDUALS WHO INTEND TO ATTEND THE MEETING AND WHO HAVE DISABILITIES REQUIRING SPECIAL ASSISTANCE SHOULD CALL THE OFFICE OF THE COUNTY CLERK AT 270-7748, AT LEAST THREE DAYS IN ADVANCE.